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Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Stripping of Nationality in Bahrain

It is with regret that some countries still possess a dated mentality of treating their citizens as if they are subjects in a society run by Bedouin rule, whereby the ruler and his tribe enjoy special rights and no responsibilities. This tribal ruler-ship then imposes specific and contrary laws on its citizens and disposes of certain common laws – as is currently the situation in Bahrain.

On the 7th November 2012, coinciding with the day of the American presidential election, the Bahraini authorities passed a decision to strip 31 Bahraini citizens of their nationalities. The decision was aired on Bahrain's national television channel and on Bahrain's News Agency website.

The authority cited was the Bahraini Nationality Act 1963, and in particular Article 10(3) which allows for the deprivation of nationality of persons that are causing "damage to the security of the state". The news report continued to explain that the Interior Minister:

"[…] Shall be taking the necessary procedures to carry out this decision in light of maintaining national security and ensuring international agreements are met, with particular regards to the Universal Declarations of Human Rights and International Covenant for Civil and Political Rights. And anyone who has an issue with these decisions should take it up with the judiciary."

The decision came as a complete surprise to the citizens that were subject to this nationality deprivation.

Article 2 of the International Covenant, which states:

"1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

But the reality of the situation and the way it has been for a while is that the Bahraini authorities have carried out numerous arbitrary punitive measures against any political opponent, and specifically persons subscribing to the Shia faction that possess Persian heritage. The Bahraini authorities continue to step-up arbitrary punitive measures whenever there are protests demanding democracy. In general, if citizens from an ethnic or cultural minority are involved in any protests, they will be deprived of Bahraini nationality regardless of their right to it, and the class of ethnicity will be treated as non-nationals for decades. Along with such treatment, basic rights will also usually be revoked, which in reality has resulted in many classes living in harsh living environments for decades, with continuous threats of being stripped of their Bahraini nationality for those that possess it. As a result, pressure to adopt views supportive of the Bahraini authorities whilst being singled out and persecuted has caused scores to migrate from Bahrain.

The stripping of nationality has been an instrument for the Bahraini authorities to punish any political protest in the last century. The first time it was used was in 1954 when a national leader, Abdul-Rahman Al-Bakir, was stripped of his Bahraini nationality for his political activities against the authorities. He was deported along with a number of opposition figures to the Saint Helena Island in the south of the Atlantic Ocean. Whilst in the sixties and seventies, the Bahraini authorities barred a number of people that were considered 'political opposition' from returning to Bahrain after studying abroad. This continued into the eighties whereby hundreds of citizens with Persian heritage were forcibly deported to Iran and had their nationalities denied.

Alleged Rationales behind Revocation Decision

The Bahraini News Agency of the Interior Minister's report has reported the following:

"The Interior Ministry strips the nationality of 31 individuals – Manama, 6 November

Pursuant to Article 10(3) of the Bahraini Nationality Act 1963, which allows for the deprivation of citizenship of persons that are resulting in damage to the security of the state,

The following have all been stripped of their Bahraini citizenship (Attached spate list)

And the Interior Minister shall be taking the necessary procedures to carry out this decision in light of maintaining national security and ensuring international agreements are met, with particular regards to the Universal Declarations of Human Rights and International Covenant for Civil and Political Rights. And anyone who has an issue with these decisions should take it up with the judiciary."

It is cited in the Bahraini Citizenship Act 1963, as amended by Article 12 for the year 1989 and Article 10 for the year 1981, under the heading "Revocation of Bahraini Nationality":

Article 10 – It is permissible by order of the Ruler to allow the revocation of the Bahraini citizenship in the following:

Article 10(1): If entering military service in a foreign jurisdiction and remain doing so against the orders of the Bahraini Government to cease; Article 10(2): If helping or involving in the service of an enemy state; or Article 10(3): If resulting in damage to the security of the State.

But cited in the Bahrain Constitution is the following:

The Bahraini nationality is governed by the law, and its revocation is not permissible unless in situations of great national betrayal, and other circumstances determined by the law." The Rights and Duties – Article 17

Further, a decision of revocation of nationality coming solely from the Interior Minister is a breach of both the Constitution and laws governing nationality, and essentially void of any consideration of the legal requirement to execute or authority to pass such a decision. As such, the Constitution holds the Interior Minister to be in breach of his delegated powers, positioning himself in a position to pass judgments reserved for the judiciary, and definitely not a person in his position.

Some of the citizens that this decision was ordered against have attempted to challenge and appeal it, but the judiciary seems unwilling to examine the complaints. The Bahraini authorities have yet to file to the court anything formal in regards to the decision, which seems to strongly indicate that the decision was not passed legally.

On the list, there is a former Member of Parliament, 8 religious scholars, 5 bloggers and media personalities, an academic, and a human rights defender. Considering that, this revocation decision has come without court trials or sentencing, and follows the revocation decision that emanated on 6 November 2012 from the Interior Minister on baseless grounds and unlawful reasons. The number of those subject to a revocation decision without a case since November 2012 reaches 103 Bahrainis, with an addition of 12 who were subject to nationality revocation by the "Anti-Terrorism Laws".

The impact on children

The revocation decision has severely impacted on the victims and their families and put a strain on many facets of their lives and endeavors; be it social, political, legal, employment and even their safety, as a direct result of this decision. Some of the struggles are summed up below:

Deprivation of their right to identity, documents of legal proof, and exposed to issues with immigration laws and asylum;

A loss of feeling of security and a sense of perennial threat, especially in search points and country borders;

Deprivation of new-borns of the victims from a nationality;

The barring of the use of many services previously available to them as citizens, which include:

Hospital and housing services

The loss of right to deal with personal assets

The services provided for pensions and pecuniary benefits

The right to work, especially in governmental positions. Note that the majority that were working in such positions were immediately terminated from employment . The interaction with the local authorities

The right to benefits for housing, inflation, and application for housing and social insurance.

Conclusion

The Bahraini authorities have so far stripped the nationality of over 200 Bahraini citizens, from activists to opposition members, and a further two forcibly deported from Bahrain. This represents a gross infringement on the civil rights of the Bahraini citizen.
The decision to strip Bahrainis of their nationality did not satisfy any legal requirements or pass through a correct procedure. Such a decision to remove a citizen's nationality is reserved only for scenarios of "great national betrayal", "affiliation with armed organisations in foreign jurisdictions" or "scenarios determined by the law". None of these have been satisfied, and the revocation in its essence is a contradiction of the Constitution, does not comply with any legal requirements, and ultimately a case like this should be decided by a just and independent judiciary and not a governmental authority.

Superimposing such a decision on an international level exposes it to be in breach of signed and ratified international treaties like the International Covenant on Civil and Political Rights – specifically under Article 2 which has been incorporated under Bahraini law number 56 from the year 2006.

SALAM for Democracy and Human rights, an NGO without consultative status, also shares the views expressed in this statement.